



9200/2157

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application No.	09/467,388
Filing Date	December 21, 1999
First Named Inventor	Nelson A. Yaple
Art Unit	2154
Examiner Name	Saleh Najjar
Attorney Docket Number	42390P7088
Total Number of Pages in This Submission	

RECEIVED

OCT 27 2003

Technology Center 2100

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"><ul style="list-style-type: none">- Petition to Accept Papers as Timely Filed and Withdraw Holding of Abandonment- Return Postcard</div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Joseph A. Pugh, Reg. No. 52,137 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	October 20, 2003

CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Typed or printed name	Derek S. Watson		
Signature		Date	October 20, 2003



FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known

Application Number 09/467,388
Filing Date December 21, 1999
First Named Inventor Nelson A. Yaple
Examiner Name Saleh Najjar
Group/Art Unit 2154
Attorney Docket No. 42390P7088

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OCT 27 2003

Technology Center 2100

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☒ None
☐ Deposit Account

Deposit Account Number 02-2666
Deposit Account Name Blakely, Sokoloff, Taylor & Zafman LLP

The Commissioner is authorized to (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)				(\$)	

2. EXTRA CLAIM FEES

Total Claims - 22* = X =
Independent Claims - 4 = X =
Multiple Dependent =

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple Dependent claim, if not paid	
1204	86	2204	43	**Reissue independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)				(\$)	

*or number previously paid, if greater. For Reissues, see below

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
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1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
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1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
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1503	640	2503	320	Plant issue fee	
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1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) _____					

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type) Joseph A. Pugh
Registration No. (Attorney/Agent) 52,137
Telephone (503) 684-6200
Signature *Joseph A. Pugh*
Date 10/20/03



Attorney Docket No.: 042390.P7088

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
Yaple)
Application No: 09/467,388)
Filed: December 21, 1999)
For: A DEDICATED DIGITAL-TO-AUDIO)
NETWORK AUDIO BRIDGING SYSTEM)

Examiner: S. Najjar

Art Unit: 2154

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OCT 27 2003

Technology Center 2100

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO ACCEPT PAPERS AS TIMELY FILED AND WITHDRAW HOLDING
OF ABANDONMENT

Dear Sir/Madam:

In response to the Notice of Abandonment mailed October 1, 2003, Applicant respectfully requests that the Patent and Trademark Office (the Office) accept the response timely filed on March 19, 2003, and withdraw the holding of abandonment.

Applicant asserts as follows:

1. Applicant received an Office Action mailed February 27, 2003.
2. On March 19, 2003, Applicant filed a response (the Response, copy attached) to the Office Action, well before May 27, 2003, the final day of the 3-month statutory period for response set forth in the Office Action.

3. Applicant received a postcard (the Postcard, copy attached) stamped to indicate that the Office received the items listed thereon, including the Response, on March 24, 2003.

4. On October 1, 2003, the Office mailed a Notice of Abandonment for failure to file a proper reply to the Office Action.

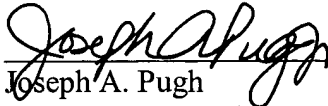
5. The Postcard is prima facie evidence that the Office received the Response on March 24, 2003 (see Manual of Patent Examining Procedure § 503), and thus Applicant has timely filed a proper reply to the Office Action.

In light of the foregoing, Applicant respectfully requests that the Office accept the Response as timely filed, and withdraw the holding of abandonment. The Office is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date: October 20, 2003



Joseph A. Pugh
Attorney for Applicant
Reg. No. 52,137

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(503) 684-6200



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/21 (08-00)
Approved for use through 10/31/2002: OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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		Group Art Unit	2154
		Examiner Name	Saleh Najjar
Total Number of Pages in This Submission	15	Attorney Docket Number	42390P7088

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Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Joseph A. Pugh, Reg. No. 52,137 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	March 19, 2003

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail with sufficient postage in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on: March 19, 2003			
Typed or printed name	Derek S. Watson		
Signature		Date	March 19, 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231: DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

O I P E J C A 2 3 I D E
OCT 23 2003
PATENT & TRADEMARK OFFICE

PTO/SB/17 (01-03)

Approved for use through 04/30/2003. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known

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Examiner Name Saleh Najjar
Group/Art Unit 2154
Attorney Docket No. 42390P7088

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METHOD OF PAYMENT (check one)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☒ None

☐ Deposit Account

Deposit Account Number

02-2666

Deposit Account Name

Blakely, Sokoloff, Taylor & Zafman LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20
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SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES

Total Claims 22* = X =
Independent Claims 4 = X =
Multiple Dependent =

Large Entity		Small Entity		Fee Description	Fee Paid
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SUBTOTAL (2)					(\$)

*or number previously paid, if greater, For Reissues, see below

FEE CALCULATION (continued)

Technology Center 2100

3. ADDITIONAL FEES

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1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type) Joseph A. Pugh
Registration No. 52,137
Telephone (503) 684-6200
Signature Joseph A. Pugh
Date 03/19/03

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application to the USPTO. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

**FEE TRANSMITTAL
for FY 2003**

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.**TOTAL AMOUNT OF PAYMENT** (\$)**Complete if Known**

Application Number	09/467,388
Filing Date	December 21, 1999
First Named Inventor	Nelson A. Yaple
Examiner Name	Saleh Najjar
Group/Art Unit	2154
Attorney Docket No.	42390P7088

RECEIVED**OCT 27 2003****METHOD OF PAYMENT (check one)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☒ None
☐ Deposit AccountDeposit
Account
Number

02-2666

Deposit
Account
Name

Blakely, Sokoloff, Taylor & Zafman LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
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Independent Claims		4	=		X		=	
Multiple Dependent								

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FEE CALCULATION (continued)**3. ADDITIONAL FEES**

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Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Joseph A. Pugh	Registration No. (Attorney/Agent)	52,137	Telephone	(503) 684-6200
Signature	<i>Joseph A. Pugh</i>	Date	03/19/03		

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COPY

Attorney Docket No.: 042390.P7088

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Yaple

Application No: 09/467,388

Filed: December 21, 1999

For: A DEDICATED DIGITAL-TO-AUDIO
NETWORK AUDIO BRIDGING SYSTEM

Examiner: S. Najjar

Art Unit: 2154

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OCT 27 2003

Technology Center 2100

Commissioner For Patents
Washington, D.C. 20231

AMENDMENT AND RESPONSE

Dear Examiner:

In response to the Office Action mailed February 27, 2003, please enter the following amendments and consider the following remarks.

IN THE CLAIMS

1. (Currently Amended) In an audio-rendering device, a method comprising:
receiving at ~~an~~ the audio-rendering device, data comprising digital audio data
transmitted across a network from an audio host;
determining whether received digital audio data is encoded according to one of at
least two coding schemes;
selecting a decoding scheme based on the one of at least two coding schemes by
which the received digital audio data is encoded;
decoding the encoded digital audio data in accordance with the selected decoding
scheme; and
converting the received digital audio data to analog audio for output.
2. (Previously Canceled)
3. (Previously Amended) The method according to claim 1, further comprising
encoding the digital audio data at the audio host.
4. (Previously Amended) The method according to claim 1, wherein determining
whether the received digital audio data is encoded according to one of the at least two
coding schemes comprises determining whether the received digital audio data is
encoded according to coding schemes including mp3, wav, au, and aiff.

5. (Original) The method according to claim 1, wherein receiving digital audio data comprises receiving a plurality of digital audio data segments and reconstructing the digital audio data from the received plurality of digital audio data segments.
6. (Previously Amended) The method according to claim 5, wherein determining whether the received digital audio data is encoded according to one of at least two coding schemes comprises identifying an indicator code included within at least one of the plurality of digital audio data segments.
7. (Previously Amended) The method according to claim 1, further comprising:
determining whether the received digital audio data is compressed; and
decompressing the compressed digital audio data based upon the selected decoding scheme.
8. (Previously Amended) The method according to claim 7, further comprising providing as output the analog audio to an amplification device.
9. (Previously Amended) The method of claim 1, wherein the digital audio data is received across at least one of a plurality of networks including a phoneline network, a powerline network, and a HomeRF network.

10. (Currently Amended) An audio-rendering device comprising:
- a network interface to receive digital audio data transmitted over a network from an audio host;
- a processor coupled with the network interface to:
- determine whether received digital audio data is encoded according to one of at least two coding schemes; ~~and;~~
- select a decoding scheme based on the one of at least two coding schemes by which the received digital audio data is encoded; and
- decode the encoded digital audio data in accordance with the selected decoding scheme; and
- a converter coupled to the processor to convert the received digital audio data to analog audio for output to a speaker proximate the audio-rendering device.
11. (Previously Canceled)
12. (Previously Canceled)
13. (Previously Canceled)
14. (Currently Amended) ~~The digital-to-analog audio bridge~~ audio-rendering device according to claim 10, further comprising a read only memory coupled to the processor to store at least one CODEC.

15. (Currently Amended) The ~~digital-to-analog audio bridge~~ audio-rendering device according to claim 10, wherein the processor decompresses the digital audio data if it is determined that the digital audio data is compressed.

16. (Previously Amended) A residential network audio system comprising:
 a host device disposed in a first location to transmit digital audio data over a network; and
 an audio-rendering device disposed in a second location, communicatively coupled with the host, to receive the digital audio data transmitted from the host, determine whether received digital audio data is encoded according to one of at least two coding schemes, select a decoding scheme based on the one of at least two coding schemes by which the received digital audio data is encoded, decode the received digital audio data in accordance with the selected decoding scheme, and convert the received digital audio data to analog audio for output to a speaker proximate the audio-rendering device.

17. (Previously Canceled)

18. (Previously Amended) The residential network audio system according to claim 16, wherein the network comprises a network including at least one of a phoneline network, a powerline network, and a HomeRF network.

19. (Previously Amended) The residential network audio system according to claim 16, wherein the audio-rendering device is further disposed to:

determine whether the received digital audio data is compressed; and
decompress the compressed digital audio data in accordance with the selected decoding scheme.

20. (Original) The residential network audio system according to claim 16, wherein the digital audio data is transmitted according to the real-time transport protocol (RTP).

21. (Previously Amended) An article comprising a machine readable medium having a plurality of machine readable instructions stored thereon, wherein when the instructions are executed by a processor, the instructions subscribe the processor to:

receive digital audio data;
determine whether received digital audio data is encoded according to one of at least two coding schemes;
select a decoding scheme based on the one of at least two coding schemes by which the received digital audio data is encoded;
decode the encoded digital audio data in accordance with the selected decoding scheme; and
convert the received digital audio data to analog audio for output to a speaker.

22. (Previously Canceled)

23. (Currently Amended) The article of claim 22 21, wherein the machine readable instructions that, when executed, subscribe the processor to receive audio data comprise sequences of instructions that, when executed, cause the processor to receive digital audio data transmitted across a network from an audio host.

24. (Previously Added) The method according to claim 1, wherein converting the received digital audio data to analog audio for output comprises converting the received digital audio data to analog audio for output to a speaker proximate the audio-rendering device.

25. (Currently Amended) A method comprising:

providing an indication, within at least one of a plurality of data segments, whether digital audio data is encoded according to one of at least two audio coding schemes; and

transmitting the plurality of data segments across at least one of a plurality of networks including a phoneline network, a powerline network, and a HomeRF network to an audio-rendering device.

26. (Currently Amended) The method according to claim 25, wherein providing the indication, within the at least one of the plurality of data segments, whether the digital audio data is encoded according to the one of the at least two audio coding schemes comprises providing an indicator code within the at least one of the plurality of data segments.

27. (Previously Added) A method of claim 6, further comprising:
selecting the one of the two coding schemes based on the identified indicator code.
28. (Previously Added) The method of claim 27, wherein selecting the one of the two coding schemes based on the identified indicator code comprises:
accessing a lookup table that includes entries for the at least two coding schemes;
comparing the identified indicator code to the entries in the lookup table; and
identifying an entry in the lookup table that corresponds to the indicator code,
wherein the entry is the coding scheme by which the received digital audio data is encoded.

REMARKS

Applicant respectfully requests reconsideration of the present U.S. Patent application. Claims 1, 3-10, 14-16, 18-21, 23, 24 and 27 are allowed. Claims 25-26 stand rejected under 35 U.S.C. § 102. Claim 28 is objected to. Claims 1, 10, 14, 15, 23, 25 and 26 have been amended. No claims have been canceled or added. Thus, by this amendment, claims 1, 3-10, 14-16, 18-21 and 23-28 remain pending.

Claim Objections

Claim 28 was objected to as being dependent upon a rejected base claim. Applicant respectfully points out that only claims 25 and 26 have been rejected, and that claim 28 depends on claim 27, which has been allowed. Therefore, Applicant submits that Examiner should not have objected to claim 28.

Claim Rejections – 35 U.S.C. § 102

Rejections of Claims 25-26 Based on *Bruhn*

Claims 25-26 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,256,487 issued to Bruhn (*Bruhn*). For at least the reasons set forth below, Applicant submits that claims 25-26 are not anticipated by *Bruhn*.

Amended Claim 25 recites the following:

providing an indication, within at least one of a plurality of data segments, whether digital audio data is encoded according to one of at least two audio coding schemes; ...

A proper rejection under 35 U.S.C. § 102 requires that a single prior art reference teach each and every element of the rejected claim. See MPEP § 2131.

Bruhn discloses a communication system for managing radiotelephone calls. See col. 5, lines 4-17. A transmitter transmits a mode indicator over an air interface to a receiver, to inform the receiver of the combination of speech coding and channel coding used to process data prior to transmission. See col. 5, lines 45-54; col. 6, lines 42-54. *Bruhn* does not disclose providing an indication, within at least one of a plurality of data segments, whether digital audio data is encoded according to one of at least two audio coding schemes. Consequently, *Bruhn* does not teach each and every element of claim 25, and thus does not anticipate this claim. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claim 25 under 35 U.S.C. § 102.

Claim 26 depends from claim 25. Because dependent claims include the limitations of the claims from which they depend, Applicant submits that claim 26 is not anticipated by *Bruhn* for at least the reasons set forth above, and thus is in condition for allowance.

CONCLUSION

For at least the foregoing reasons, Applicant submits that the rejections have been overcome. Therefore, all pending claims are now in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

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Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date: March 19, 2003

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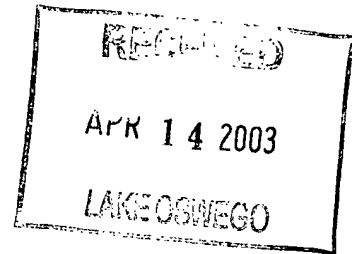
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Date Mailed: 03/19/2003 Docket Due Date(s): 05/27/2003 Client: <File Missing>
Title: A DEDICATED DIGITAL TO-AUDIO NETWORK AUDIO BRIDGING SYSTEM

Inventor(s) Yaple

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